

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 157405.2 SB	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/IL04/01172	International filing date (<i>day/month/year</i>) 29 December 2004 (29.12.2004)	(Earliest) Priority Date (<i>day/month/year</i>) 29 December 2003 (29.12.2003)
Applicant SAGI-EISENBERG		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 5 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the language, the international search was carried out on the basis of:



the international application in the language in which it was filed.



a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☒ Unity of invention is lacking (See Box No. III)

4. With regard to the title,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the abstract,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. _____



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.

b. ☒ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/IL04/01172

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:
Please See Continuation Sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
 2. ☐ As all searchable claims could be searched without effort justifying additional fees, this Authority did not invite payment of any additional fees.
 3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
 4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-19
- Remark on Protest ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/IL04/01172

A. CLASSIFICATION OF SUBJECT MATTER

IPC: G01N 33/53(2006.01),33/533(2006.01),33/534(2006.01),33/535(2006.01)

USPC: 435/7.1,7.91,7.94

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 435/7.1,7.91,7.94

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
Medline

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 5,650,288 (MACFARLAND et al) 22 July 1997 (22.07.1997), column 1, lines 14-45 and column 2, lines 7-29	1-19
Y	US 4,385,126 (CHEN et al) 24 May 1983 (24.05.1983), column 1, lines 40-47 and 58-62	1-19
Y	US 6,187,757 (CLACKSON et al) 13 Feb 2001 (13.02.2001), column 1, lines 13-21, column 2, lines 4-7, column 7, lines 56-67, and column 4, lines 57-62	1-19
Y	WO 99/24036 (ORMEROD et al) 20 May 1999 (20.05.1999), Abstract and p9, lines 4-29	5 and 6
Y	COLIGAN et al. Current Protocols in Immunology, 1991, John Wiley & Sons, Inc., pages 2.1.1-2.1.22, especially pages 2.1.3, 2.1.5, 2.1.7, 2.1.10, and 2.1.17	10-12, 18, and 19
A	GINGRAS et al., "Regulation of translation in initiation by FRAP/mTOR", Genes & Dev., 2001, Vol. 15, pp807-826, especially pages 808-810	1-19
A	US 4,784,943 (WARREN et al) 15 Nov 1988 (15.11.1988), column 1, lines 42-55 and column 2, lines 3-8	1-19



Further documents are listed in the continuation of Box C.



See patent family annex.

Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	
"P" document published prior to the international filing date but later than the priority date claimed	"&" document member of the same patent family

Date of the actual completion of the international search

13 June 2006 (13.06.2006)

Date of mailing of the international search report

16 JUN 2006

Name and mailing address of the ISA/US

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INTERNATIONAL SEARCH REPORT

International application No.
PCT/IL04/01172

C. (Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5,504,091 (MOLNAR-KIMBER et al) 2 Apr 1996 (02.04.1996), column 2, lines 7-33 and column 8, line 43-column 9, line 43	1-19
A	US 5,783,398 (MARCY et al) 21 July 1998 (21.07.1998), Fig. 1	1-19
A	US 6,476,200 (SABATINI et al) 5 Nov 2002 (05.11.2002), column 5, lines 19-40	1-19
A	US 6,709,873 B1 (YATSCOFF et al), 23 Mar 2004 (23.03.2004), column 2, lines 10-61	1-19
A	US 2002/0102617 A1 (MACBEATH et al) 1 Aug 2002 (01.08.2002), p6, paragraph [0052] and p8, paragraph [0065]	1-19

INTERNATIONAL SEARCH REPORT

International application No.
PCT/IL04/01172

BOX III. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

Group I, claim(s) 1-19, drawn to an assay for determining rapamycin or rapamycin-analog concentrations in a sample.

Group II, claim(s) 20-31, drawn to a kit for determining rapamycin concentrations or rapamycin-analog concentrations in a sample.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical feature in all groups is the FKBP12 protein and mTOR, which binds to the rapamycin/FKBP12 complex. This element cannot be a special technical feature under PCT Rule 13.2 because the element is shown in the prior art. U.S. Patent No. 6,270,964 (Michnick et al., Aug. 7, 2001) teaches a use of rapamycin to induce interaction between its receptor FKBP12 protein and a partner protein mTOR in a protein-fragment complementation assay to detect biomolecular interactions in vivo (column 29, line 61- column 30, line 51).